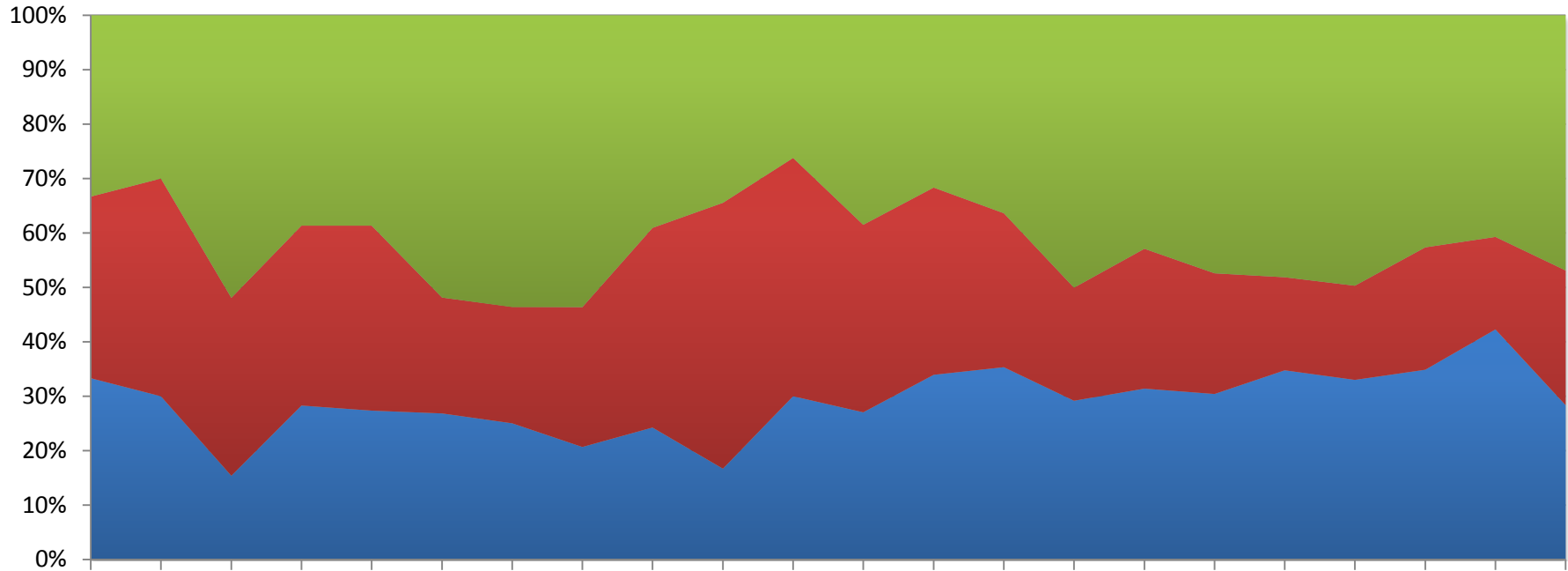


# First- and Second-Degree Controlled Substance Offenders

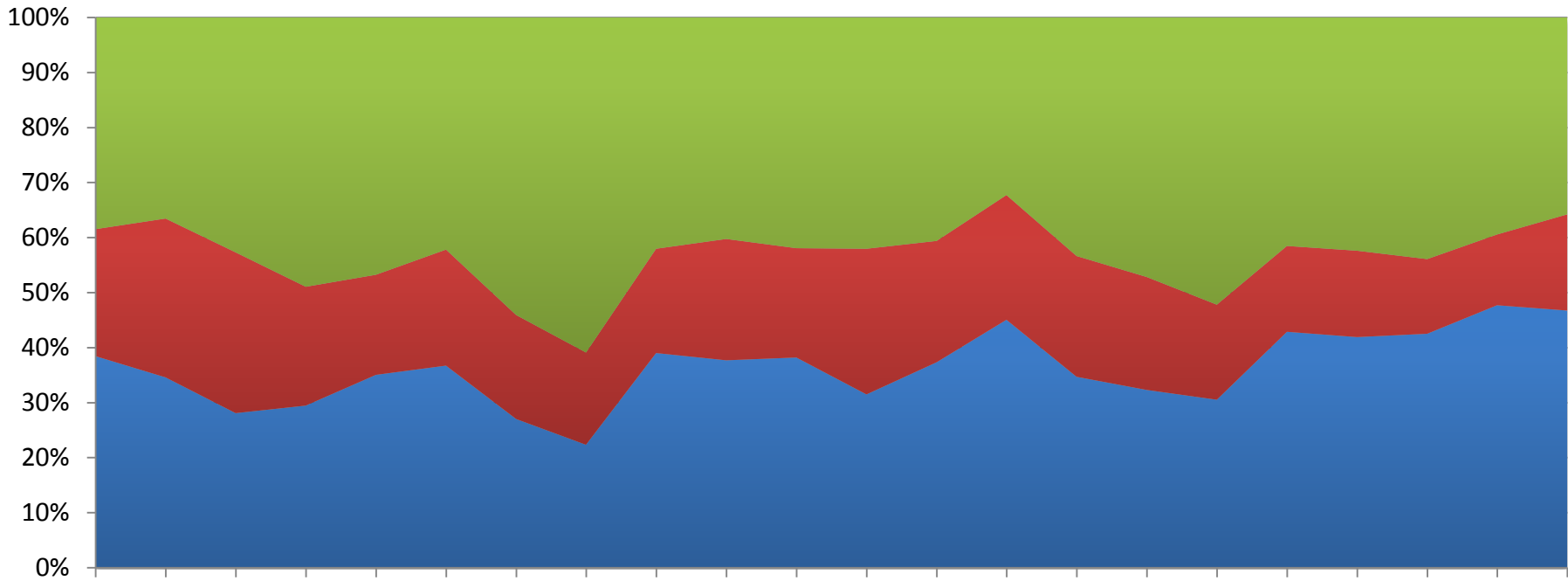
Commission Member  
Questions Answered

# Departure Rates Over Time: First-Degree Drug Offenses Sentenced 1990-2011



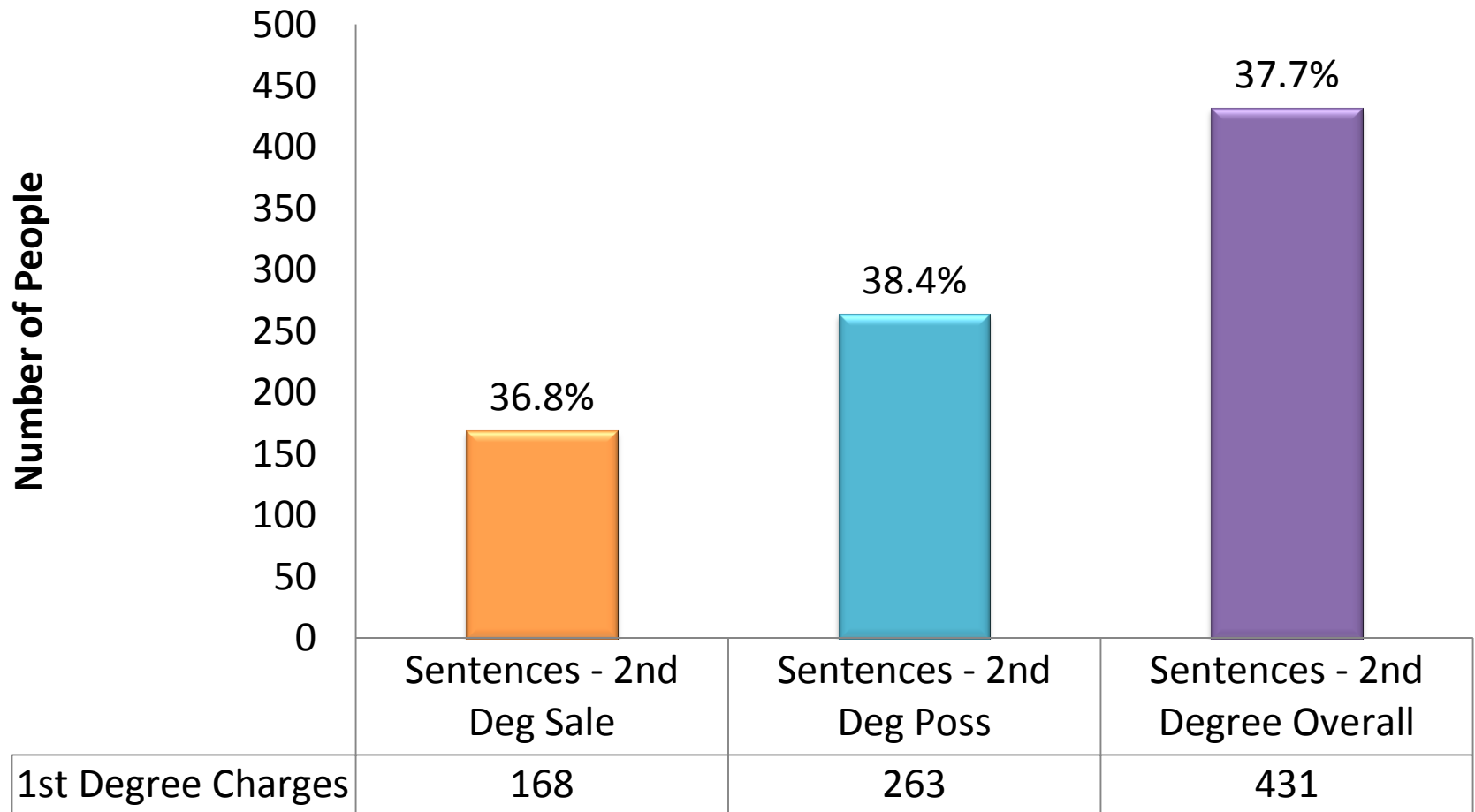
Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Prob.	33%	30%	52%	39%	39%	52%	54%	54%	39%	35%	26%	39%	32%	36%	50%	43%	47%	48%	50%	43%	41%	47%
Prison (Less Time)	33%	40%	33%	33%	34%	21%	21%	26%	37%	49%	44%	35%	34%	28%	21%	26%	22%	17%	17%	23%	17%	25%
Prison	33%	30%	15%	28%	27%	27%	25%	21%	24%	17%	30%	27%	34%	35%	29%	31%	30%	35%	33%	35%	42%	28%

# Departure Rates Over Time: Second-Degree Drug Offenses Sentenced 1990-2011

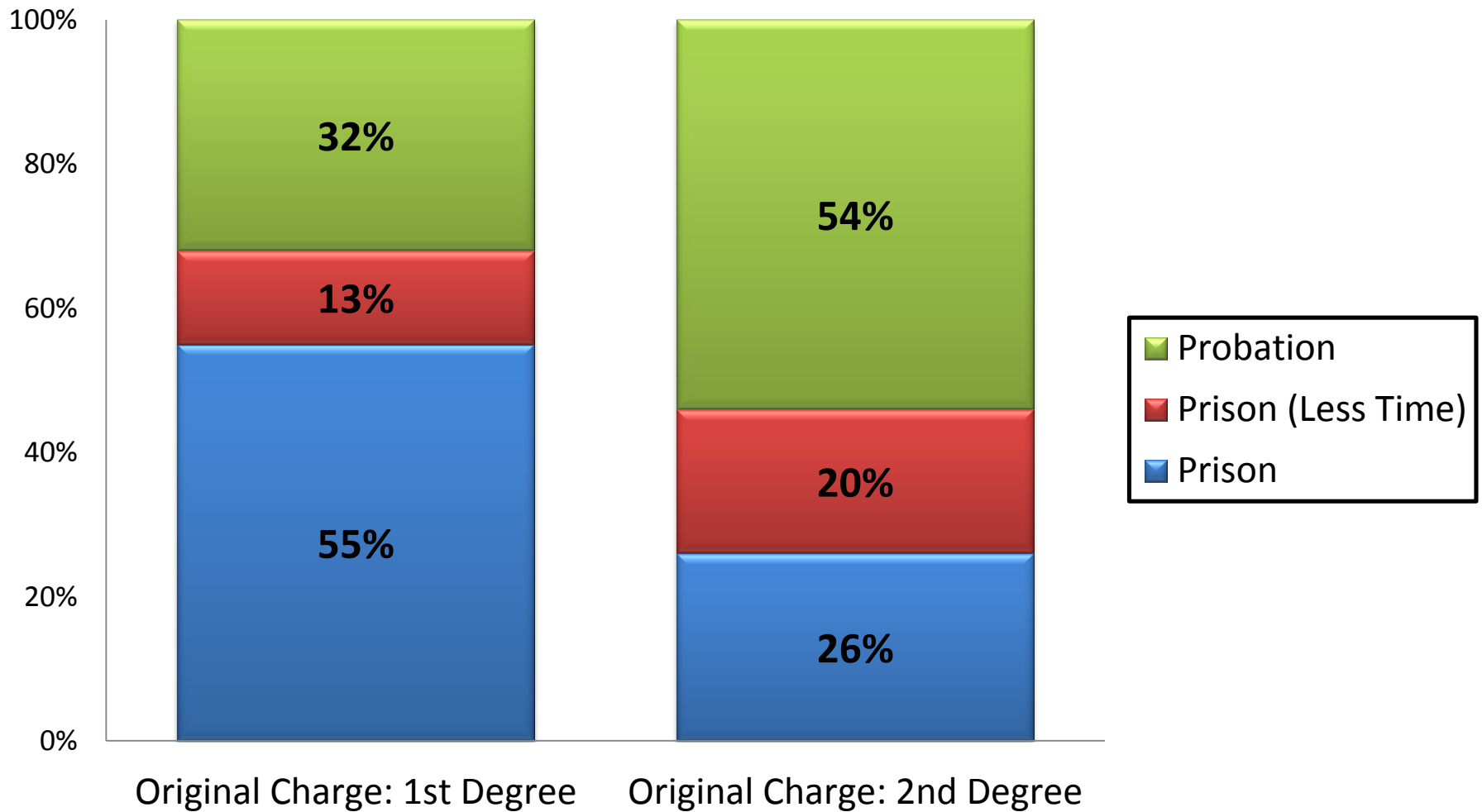


Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Prob.	39%	37%	43%	49%	47%	42%	54%	61%	42%	40%	42%	42%	41%	32%	43%	47%	52%	42%	42%	44%	39%	36%
Prison (Less Time)	23%	29%	29%	22%	18%	21%	19%	17%	19%	22%	20%	27%	22%	23%	22%	21%	17%	16%	16%	14%	13%	18%
Prison	39%	35%	28%	30%	35%	37%	27%	22%	39%	38%	38%	32%	37%	45%	35%	32%	31%	43%	42%	43%	48%	47%

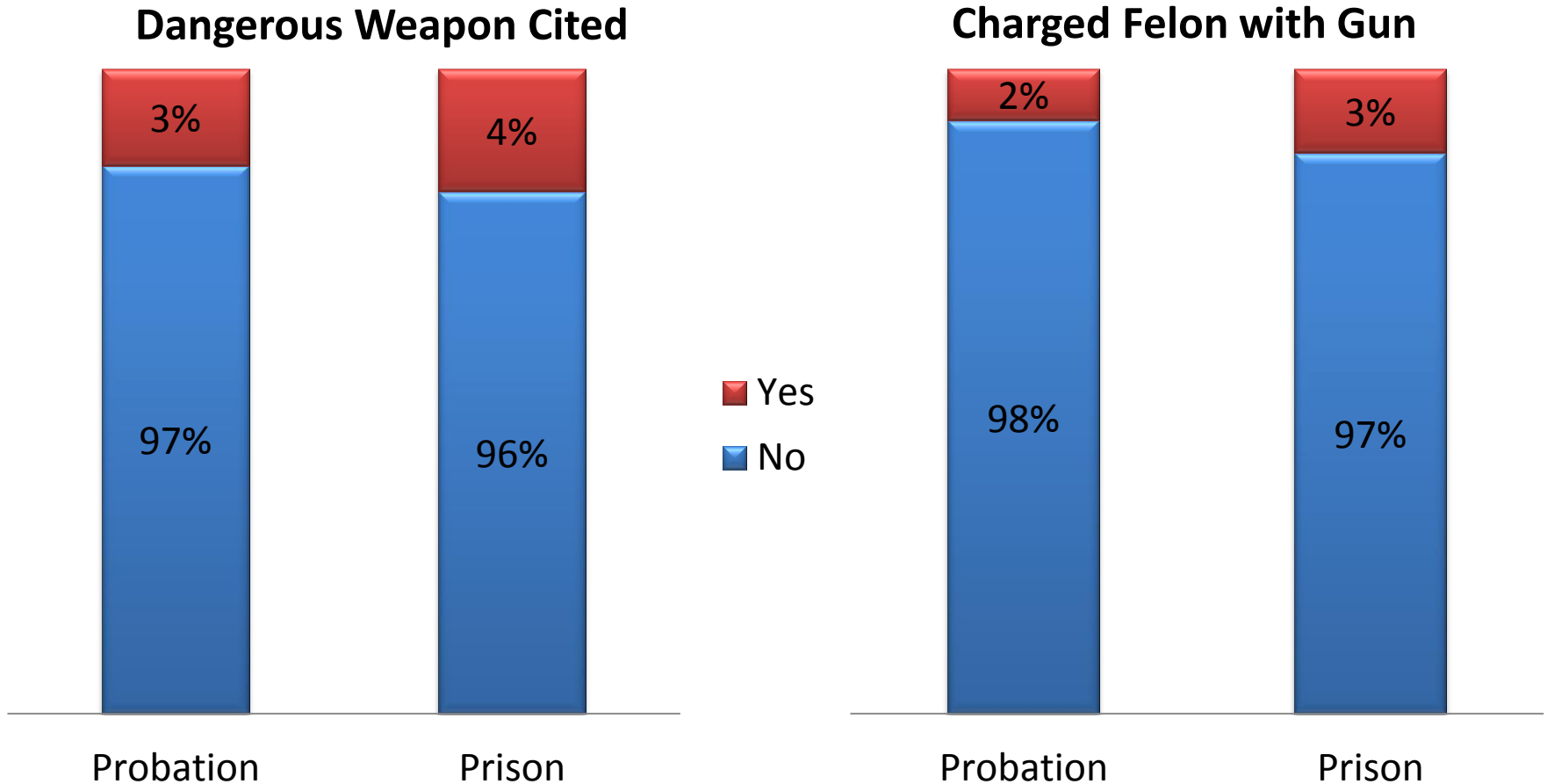
# 3-Year Study Follow-Up: People Sentenced to 2<sup>nd</sup> Degree Originally Charged with 1<sup>st</sup> Degree



# 3-Year Study Follow-Up: Departures Rates for People Sentenced to 2<sup>nd</sup> Degree Originally Charged with 1<sup>st</sup> or 2<sup>nd</sup> Degree



# 3-Year Study Follow-Up: Worksheets Listing a Dangerous Weapon; Original Charges Included Felon with a Gun



Presumptive sentences are those sentences provided on the Sentencing Guidelines Grids. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

– Minn. Sentencing Guidelines § 1.B.12.

# 1<sup>st</sup> and 2<sup>nd</sup> Degree Controlled Substance Criminal Complaints for People Sentenced in 2011

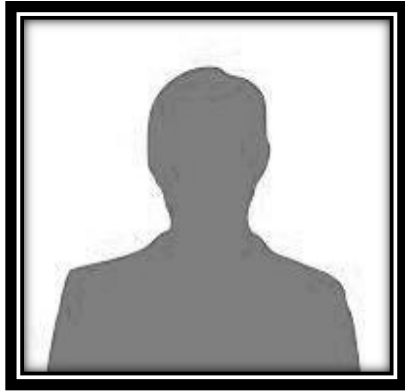
1. Requested 608 criminal complaints from MN counties
  - Received 557 (92%)
2. Collected Data:
  - Original Charges
  - Drug Types and Amounts
  - Number of Sales (if applied)
  - If Confidential Reliable Informant (CRI) was used
  - If Children were present
  - If weapon was present; charged
3. Matched to MSGC Sentencing Data and Analyzed

STATE OF MINNESOTA COUNTY OF GRANT	DISTRICT COURT EIGHTH JUDICIAL DISTRICT COURT FILE NO. [REDACTED] PROSECUTOR FILE NO.
 State of Minnesota,  Plaintiff,  v. [REDACTED]  Defendant.	
<b>&lt;SELECT COMPLAINT TYPE&gt;</b> <input type="checkbox"/> Summons <input type="checkbox"/> Warrant <input checked="" type="checkbox"/> Order of Detention  <input type="checkbox"/> Amended <input type="checkbox"/> Tab Charge Previously Filed	
<hr/> The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):	
<b>COUNT I</b>	
<b>Charge: Controlled Substance Crime in the Second Degree</b> Minnesota Statute: § 152.022, Subd. 1 (1) & Subd. 3 (a) & (c) Maximum Sentence: Twenty five years imprisonment, \$500,000.00 fine, or both	
From February 15, 2011 to March 10, 2011, in Grant and Douglas Counties, Minnesota, the above-named defendant sold one or more mixtures of a total weight of three grams or more containing methamphetamine.	
<b>COUNT II</b>	
<b>Charge:</b> Minnesota Statute: § Maximum Sentence:	
<b>COUNT III</b>	
<b>Charge:</b> Minnesota Statute: § Maximum Sentence:	
FILED <u>3-11-11</u> COURT ADMINISTRATION GRANT COUNTY, MN	
Form Revised August 2006 (ITD_SP_0339c) <span style="float: right;">Page 1 of 6</span>	



# Offender Profile for Typical 1<sup>st</sup> Degree Sale Drug Offender:

*Sale or poss. w/ intent of 10 or more grams aggregated over a 90-day period*



## Offense Sentenced: First-Degree Sale

- 31 yr. old
- White or Hispanic male
- Sentenced in the Metro Area
- Criminal History Score of 0.

### Drug

Cocaine or Meth offense  
Amount less than 20 Grams

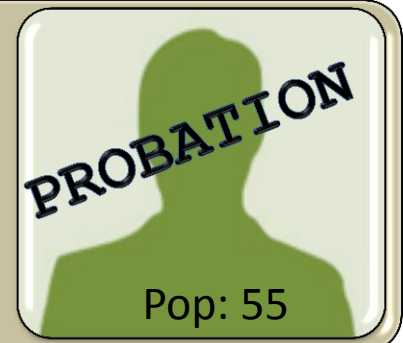
### Act

A Confidential Reliable Informant (CRI) was used  
Actual sale transaction(s)  
Convicted of a first-time drug offense

### Other

A gun was not involved, nor were there children present  
Most likely sentenced to probation

# Offender Profile for First-Degree Sale Drug Offender by Sentence Type



Male	84%
White/Hispanic	35%/33%
Metro Area	53%
CHS of 0	50%
Av. CHS	1.6

Cocaine/Meth	50%/45%
<20 Grams	43%
Av. Grams	75
Poss. w/Intent	37%
Sale: 1	35%
Sale: 2+	28%
Subsequent	35%
Gun noted	13%
Gun charged	9%
Children noted	6%
CRI used	72%

Male	95%
Hispanic	51%
Non-Metro	56%
CHS of 0	31%
Av. CHS	2.4

Meth	64%
<20 Grams	37%
Av. Grams*	101
Poss. w/Intent	33%
Sale: 1	38%
Sale: 2+	28%
Subsequent	49%
Gun noted	18%
Gun charged	15%
Children noted	5%
CRI used	74%

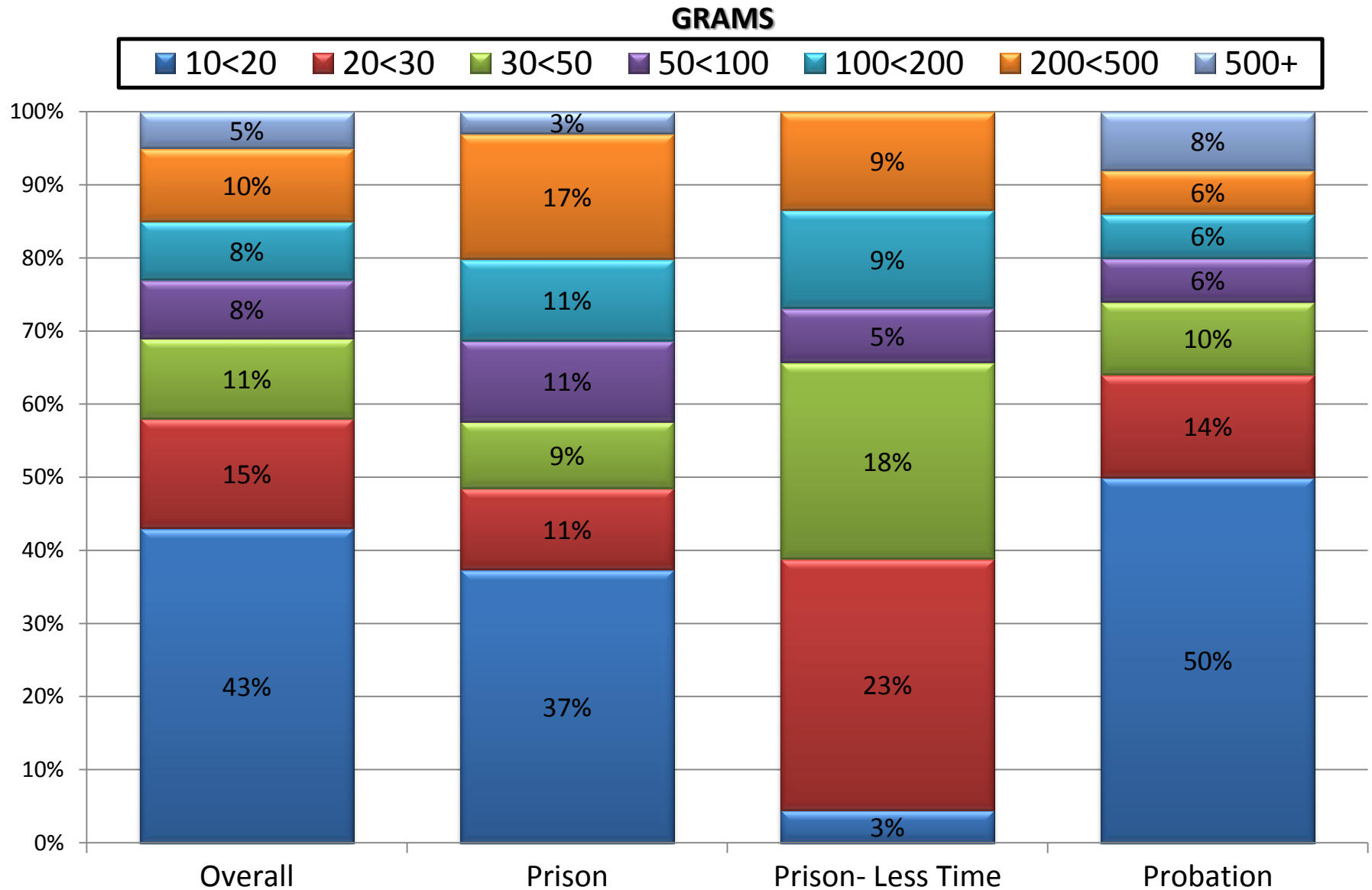
Male	88%
Black	48%
Hennepin	52%
CHS of 0	20%
Av. CHS	2.9

Cocaine	52%
<20 Grams	36%
Av. Grams*	69
Poss. w/Intent	56%
Sale: 1	24%
Sale: 2+	20%
Subsequent	72%
Gun noted	8%
Gun charged	8%
Children noted	12%
CRI used	60%

Male	75%
White	42%
Non-Metro	53%
CHS of 0	78%
Av. CHS	0.5

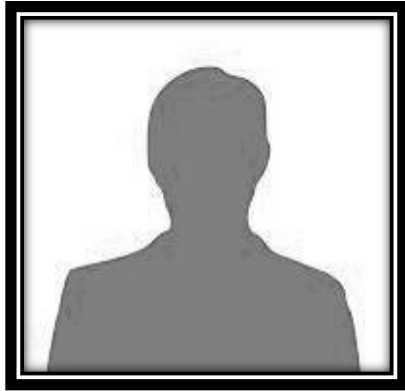
Cocaine	60%
< 20 Grams	50%
Av. Grams*	58
Poss. w/Intent	31%
Sale: 1	38%
Sale: 2+	31%
Subsequent	9%
Gun noted	11%
Gun charged	6%
Children noted	4%
CRI used	76%

# 1<sup>st</sup> Degree Sale Drug Offenses by Amounts



# Offender Profile for Typical First-Degree Possession Drug Offender:

## *Possession of 25 or more grams*



### Offense Sentenced: First-Degree Possession

- 35 yr. old
- White male
- Sentenced in the Metro Area
- Criminal History score of 0.

#### Drug

Cocaine or Meth offense  
Amount less than 50 Grams

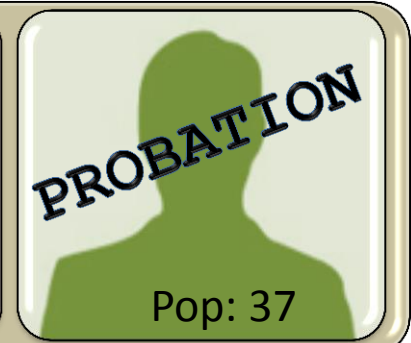
#### Act

No CRI was used  
Originally charged with first-degree possession  
Convicted of a first-time drug offense

#### Other

A gun was not involved, nor were there children present  
Most likely sentenced to probation

# Offender Profile for First-Degree Possession Drug Offender by Sentence Type



Male	83%
White	43%
Metro Area	79%
CHS of 0	52%
Av. CHS	1.5

Cocaine/Meth	51%/43%
<50 Grams	40%
Av. Grams	130

Orig. Sale Charge	18%
Subsequent	26%

Gun noted	7%
Gun charged	4%
Children noted	5%
CRI used	29%

Male	90%
White	45%
Metro Area	85%
CHS of 0	45%
Av. CHS	1.9

Meth	55%
<50 Grams	32%
Av. Grams*	77

Orig. Sale	5%
Subsequent	30%

Gun noted	10%
Gun charged	5%
Children noted	15%
CRI used	35%

Male	88%
White/Black	36%
Metro Area	96%
CHS of 0	24%
Av. CHS	2.7

Cocaine	56%
<50 Grams	24%
Av. Grams	190

Orig. Sale	24%
Subsequent	56%

Gun noted	8%
Gun charged	4%
Children noted	4%
CRI used	24%

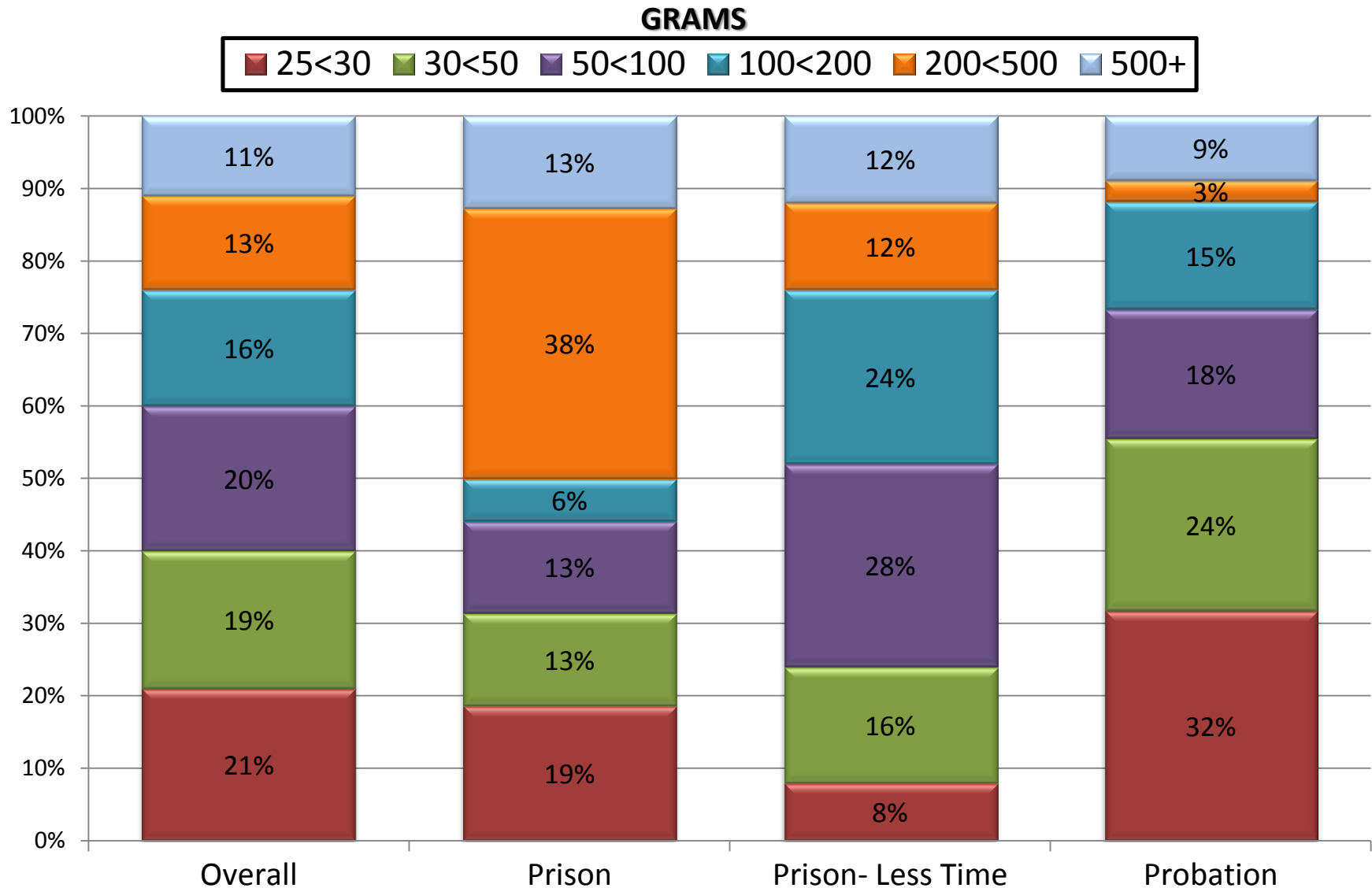
Male	76%
White	46%
Metro Area	65%
CHS of 0	76%
Av. CHS	0.4

Cocaine	57%
<50 Grams	56%
Av. Grams*	77

Orig. Sale	22%
Subsequent	3%

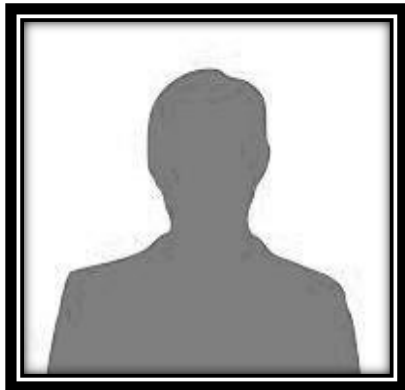
Gun noted	5%
Gun charged	3%
Children noted	0%
CRI used	30%

# 1<sup>st</sup> Degree Possession Drug Offenses by Amounts



# Offender Profile for Typical Second-Degree Sale Drug Offender:

*Sale or poss. w/ intent of 3 or more grams aggregated over a 90-day period*



## Offense Sentenced: Second-Degree Sale

- 32 yr. old
- White male
- Sentenced in the Non-Metro Area
- Criminal History Score of 0 or 1

### Drug

Meth offense  
Amount less than 10 Grams

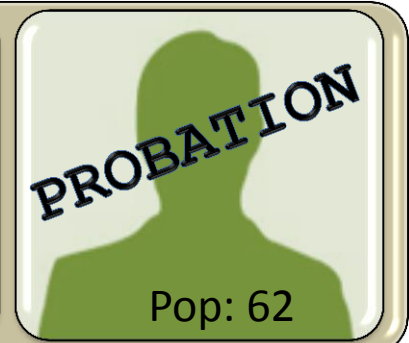
### Act

A CRI was used  
Actual sale transaction(s)  
Originally charged with second-degree sale  
Convicted of a first-time drug offense

### Other

A gun was not involved, nor were there children present  
Most likely sentenced to the presumptive sentence

# Offender Profile for Second-Degree Sale Drug Offender by Sentence Type



Male	81%
White	52%
Non-Metro Area	79%
CHS of 0	39%
Av. CHS	1.8
Meth	46%
<6 Grams	36%
Av. Grams	20
Orig. 1 <sup>st</sup> Degree	39%
Poss. w/ Intent	15%
Sale: 1	56%
Sale: 2+	29%
Subsequent	36%
Gun noted	6%
Gun charged	4%
Children noted	6%
CRI used	84%

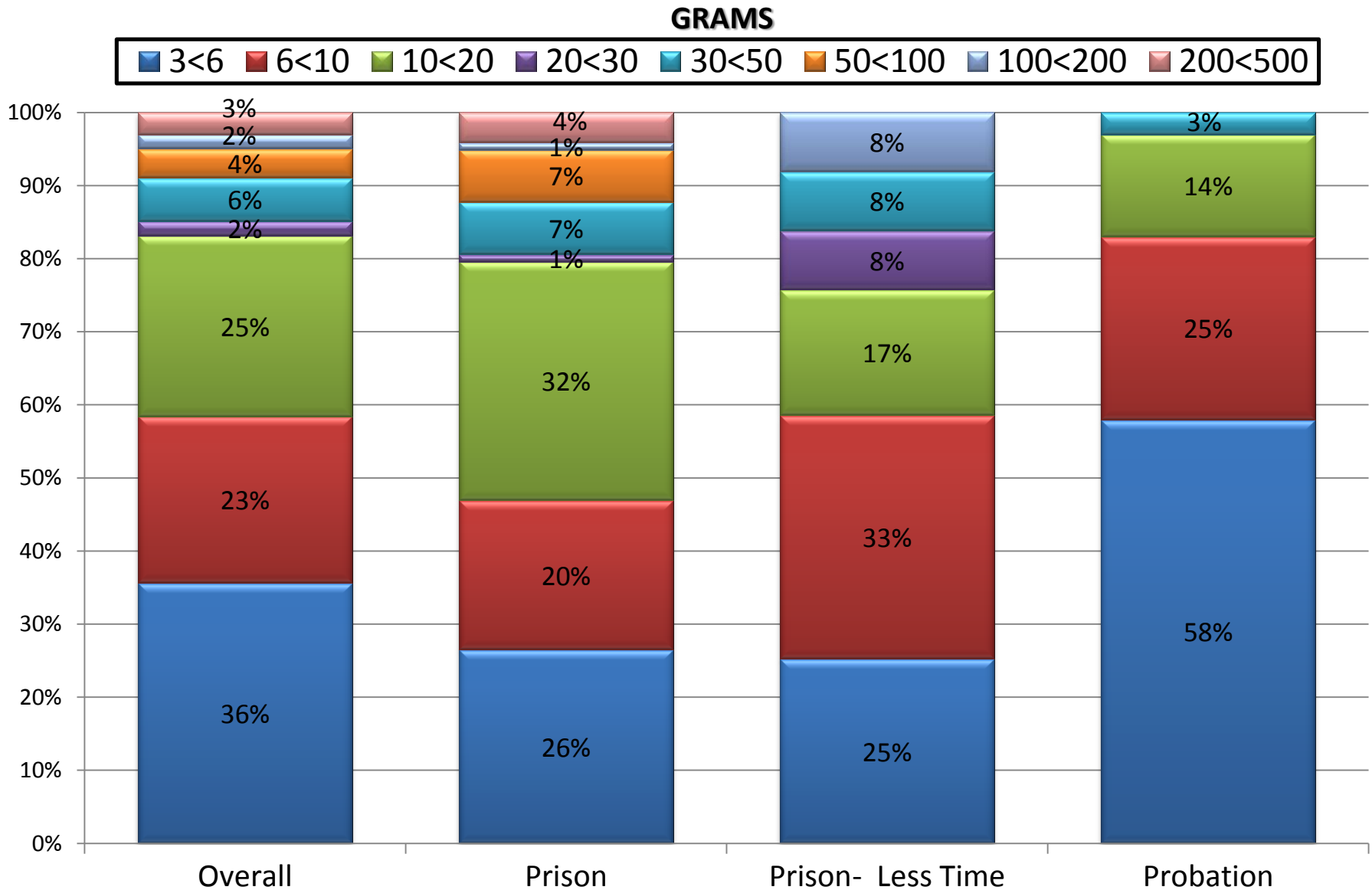
Male	87%
White	45%
Non-Metro	86%
CHS of 0	23%
Av. CHS	2.3
Meth	52%
<6 Grams	26%
Av. Grams	27
Orig. 1st	60%
Poss. w/Intent	15%
Sale: 1	54%
Sale: 2+	31%
Subsequent	51%
Gun noted	7%
Gun charged	5%
Children noted	5%
CRI used	81%

Male	89%
White	44%
Metro/Non	50%
CHS of 0	11%
Av. CHS	2.4
Meth	44%
<6 Grams	25%
Av. Grams	22
Orig. 1st	44%
Poss. w/Intent	0%
Sale: 1	67%
Sale: 2+	33%
Subsequent	50%
Gun noted	0%
Gun charged	0%
Children noted	0%
CRI used	94%

Male	69%
White	65%
Non-Metro	77%
CHS of 0	68%
Av. CHS	0.8
Meth	39%
<6 Grams	58%
Av. Grams	7
Orig. 1st	10%
Poss. w/Intent	19%
Sale: 1	56%
Sale: 2+	24%
Subsequent	11%
Gun noted	5%
Gun charged	3%
Children noted	10%
CRI used	86%

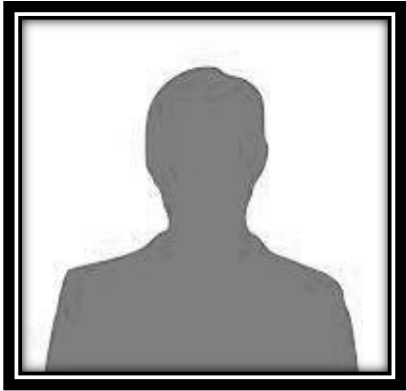


# 2<sup>nd</sup> Degree Sale Drug Offenses by Amounts



# Offender Profile for Typical Second-Degree Possession Drug Offender:

## *Possession of 6 or more grams*



### Offense Sentenced: Second-Degree Possession

- 34 yr. old
- White male
- Sentenced in the metro area
- Criminal History score of 0 or 1

#### Drug

Meth offense

Amount between 12 and 25 Grams

#### Act

No CRI was used

Originally charged with second-degree possession

Convicted of a first-time drug offense

#### Other

A gun was not involved, nor were there children present

Most likely sentenced to the presumptive sentence

# Offender Profile for Second-Degree Possession Drug Offender by Sentence Type



Male	83%
White	50%
Metro Area	65%

CHS of 0	37%
Av. CHS	1.8

Meth	54%
12-25 Grams	41%
Av. Grams	24

Orig. 1 <sup>st</sup> Degree	41%
Subsequent	40%

Gun noted	12%
Gun charged	7%
Children noted	7%
CRI used	24%

Male	90%
White	43%
Metro Area	62%

CHS of 0	30%
Av. CHS	2.0

Meth	55%
12-25 Grams	39%
Av. Grams*	15

Orig. 1 <sup>st</sup>	53%
Subsequent	53%

Gun noted	11%
Gun charged	4%
Children noted	9%
CRI used	26%

Male	83%
White	43%
Metro Area	69%

CHS of 0	7%
Av. CHS	2.9

Meth	50%
12-25 Grams	36%
Av. Grams	22

Orig. 1 <sup>st</sup>	24%
Subsequent	67%

Gun noted	19%
Gun charged	17%
Children noted	5%
CRI used	17%

Male	74%
White	62%
Metro Area	67%

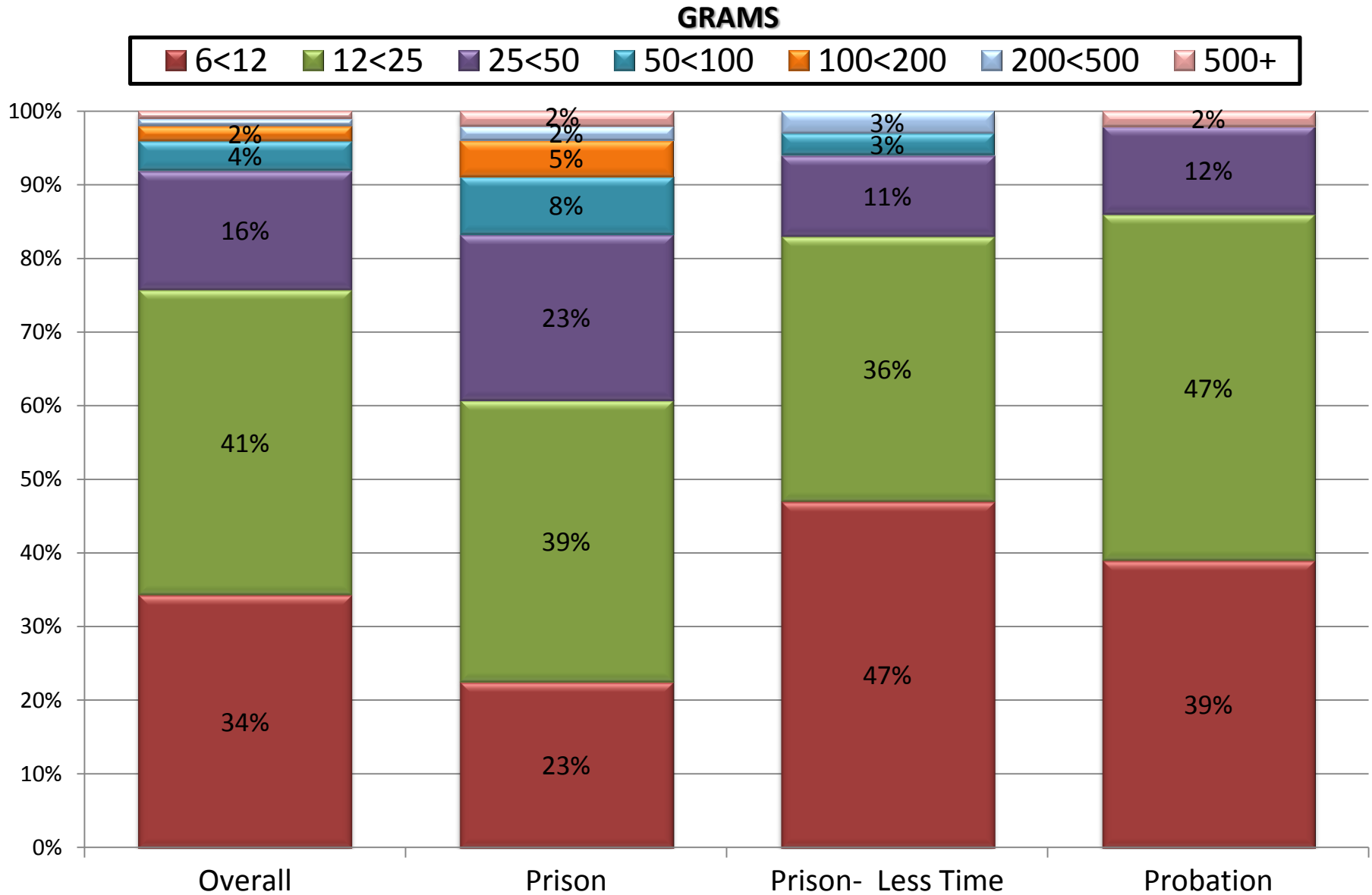
CHS of 0	67%
Av. CHS	0.8

Meth	54%
12-25 Grams	47%
Av. Grams*	15

Orig. 1 <sup>st</sup>	26%
Subsequent	7%

Gun noted	8%
Gun charged	5%
Children noted	5%
CRI used	26%

# 2<sup>nd</sup> Degree Possession Drug Offenses by Amounts



**Offenders Sentence in 2011:  
Departures Rates for People Sentenced to 2<sup>nd</sup> Degree  
Originally Charged with 1<sup>st</sup> or 2<sup>nd</sup> Degree  
2<sup>nd</sup> Degree Sentence**

